

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

DEQUE SYSTEMS INC.,

Plaintiff,

v.

**BROWSERSTACK INC., and
BROWSERSTACK SOFTWARE PVT.
LTD.,**

Defendants.

Case No.: 1:24-CV-00217-AJT-WEF

JOINT MOTION TO MODIFY EXPERT DISCOVERY DEADLINES

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Civil Rule 26, Plaintiff Deque Systems Inc. (“Plaintiff” or “Deque”) and Defendants BrowserStack Inc. and BrowserStack Software Pvt. Ltd. (together, “Defendants” or “BrowserStack”) respectfully move the Court for entry of an order reflecting the parties’ agreement for a modest two-week extension of the remaining expert discovery deadlines set forth in the Parties’ Revised Proposed Joint Discovery Plan (Doc. 35-1). The Parties stipulated extension does not modify any deadlines affecting the Court.

As good cause for an extension, the Parties state as follows:

1. On May 1, 2024, at the request of the Parties, this Court entered a Scheduling Order, setting a discovery completion date of October 11, 2024, and a final pretrial conference for October 17, 2024. The Order further adopted the Parties’ Revised Proposed Joint Discovery Plan (Doc. 35-1), ordering that expert discovery is governed by paragraph 5(e) therein. (Doc. 37 at par. 5).

2. Accordingly, under the Scheduling Order, expert disclosures required by Federal Rule of Civil Procedure 26(a)(2), if any, from the Plaintiff were due on or by August 9, 2024. The Scheduling Order further provides that expert disclosures from the Defendants be due on or by **September 9, 2024**, with any rebuttal expert disclosures to be served on or by **September 24, 2024**. The Scheduling Order requires that the Parties seek leave of Court to modify expert deadlines. (*See* Doc. 37 at par. 5).

3. The Parties have exchanged written discovery and responses, and have both produced documents accordingly.

4. The Parties continue to work in good faith amongst themselves to resolve any potential issues arising from their respective responses to discovery requests.

5. Specifically, Defendants have sought production of certain categories of information from Plaintiff, including supplemental interrogatory responses, which were relevant for preparation of Defendants' expert reports. Plaintiff did not produce the information by Defendants' requested deadline, but to obviate the need for Defendants to bring a motion to compel, on August 22, 2024, the Parties agreed, *inter alia*, that Plaintiff may have until Friday, August 30, 2024, to provide such discovery on the condition that the Parties file a consent motion seeking a two-week extension of the remaining expert deadlines.

6. To accommodate continued cooperation on discovery responses, the Parties now jointly request a brief two-week extension to these expert disclosure deadlines.

7. Accordingly, the Parties request the following modification to the schedule: Defendants shall serve their Rule 26(a)(2) expert disclosures, if any, on or by **September 23, 2024**, and rebuttal expert disclosures, if any, pursuant to the same Rules, shall be served on or by **October 8, 2024**.

8. The requested extension will not impact the current deadline for the close of discovery of **October 11, 2024**, the date for dispositive motions of **October 14, 2024**, nor the date of the final pre-trial conference of **October 17, 2024**.

Accordingly, Plaintiff and Defendants jointly request that the Court grant their motion and enter an order granting a two-week extension of the expert discovery deadlines, as set forth above. The Parties waive hearing on their joint motion.

Dated: August 23, 2024

Respectfully submitted,

/s/ Charles W. Chotvacs

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